

Message Text

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INFO OCT-01 ISO-00 SSM-03 DHA-05 IO-13 CIAE-00 DODE-00
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TO SECSTATE WASHDC 8151
INFO AMCONSUL JERUSALEM

C O N F I D E N T I A L SECTION 1 OF 2 TEL AVIV 6680

E.O. 11652: GDS
TAGS: PBOR, SHUM, IS
SUBJECT: CONGRESSIONAL HEARING ON SETTLEMENTS IN
OCCUPIED TERRITORIES

REF: STATE 206848

SUMMARY: ISRAEL CONTINUES TO ARGUE THAT THE GENEVA CON-
VENTION DOES NOT APPLY TO IST ACTIVITIES IN THE WEST
BANK AND GAZA. THE PEOPLE OF THE OCCUPIED TERRITORIES
SEE THE EVNES SINCE 1967 AS THE CONTINUATION OF A PRO-
CESS WHICH BEGAN EARLY THIS CENTURY. WHILE THERE MAY HAVE
BEEN SOME BENEFICIAL EFFECTS AND SETTLEMENTS HAVE GEN-
ERALLY BEEN PLACED TO AVOID AS MUCH CONFLICT AS POSSIBLE,
THE SETTLEMENTS CLEARLY REMAIN UNACCEPTABLE TO THE LOCAL
INHABITANTS AND, SEEN FROM HERE, CANNOT HELP BUT BE
OBSTACLES TO NEGOTIATIONS. END SUMMARY.

2. GENEVA CONVENTION AND ISRAELI SETTLEMENTS. WE LEAVE
IT TO THE DEPARTMENT TO DEFINE THE U.S. POSITION ON THE
APPLICABILITY OF THE GENEVA CONVENTION TO THE QUESTION OF
THE LEGALITY OF ISRAELI SETTLEMENTS IN THE OCCUPIED
TERRITORIES (SEE TEL AVIV 6552). IT MAY BE USEFUL,
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HOWEVER, TO BEAR IN MIND THE FOLLOWING KEY POINTS OF THE
ISRAELI POSITION ON THAT SUBJECT, AS RECENTLY REITERATED
TO US BY AN MFA OFFICIAL:

(A) ARTICLE II OF THE GENEVA CONVENTION REFERS TO
"PARTIAL OR TOTAL OCCUPATION OF THE TERRITORY OF A HIGH
CONTRACTING PARTY." BUT, ACCORDING TO THE MFA OFFICIAL,
THE WEST BANK WAS NOT JORDANIAN SOVEREIGN TERRITORY.

EVEN THE OTHER ARABS DID NOT RECOGNIZE THE JORDANIAN CLAIM. (COMMENT: SIMILAR ISRAELI REASONING EXTENDS TO EGYPTIAN PRETENSIONS TO THE GAZA STRIP. MOREOVER, GOI PRESS OFFICE PAMPHLETS HAVE FOR YEARS CAST DOUBT ON THE LEGALITY OF EGYPTIAN CLAIMS TO THREE-QUARTERS OF THE SINAI PENINSULA.)

(B) THE GENEVA CONVENTION HAS, SO FAR AS THE ISRAELIS ARE AWARE, NEVER BEEN APPLIED ANYWHERE. IT WAS INTENDED TO APPLY TO INSTANCES OF SHORT-TERM OCCUPATION AND IS NOT RELEVANT TO THE "SUI GENERIS" SITUATION IN WHICH ISRAEL FINDS ITSELF. (COMMENT: PREVIOUS ISRAELI GOVERNMENTS HAVE ALSO CONSISTENTLY DENIED THE APPLICABILITY OF THE GENEVA CONVENTION TO THE ISRAELI-OCCUPIED TERRITORIES.)

(C) UNLIKE THE GENEVA CONVENTION, WHICH WAS DRAWN UP WITH THE PARTICULAR EXAMPLES OF WORLD WAR II IN MIND, THE MORE PERTINENT (FROM THE ISRAELI VIEW) 1907 HAGUE CONVENTION CONTAINS NO RESTRICTIONS AGAINST PERSONS TAKING UP RESIDENCE IN (OCCUPIED) AREAS.

(D) ARTICLE 49 OF THE GENEVA CONVENTION IS DESIGNED TO PROTECT THE LOCAL POPULATION FROM DEPORTATION AND DISPLACEMENT. BUT IN THE WEST BANK (SAID THE OFFICIAL) PEOPLE HAVE NOT BEEN DISPLACED AND DEPORTED TO MAKE ROOM FOR ISRAELI SETTLERS. (COMMENT: WHETHER OR NOT THERE HAS BEEN DISPLACEMENT AND/OR, DEPORTATION EXPRESSLY TO FURTHER ISRAELI SETTLEMENT, OTHER PRACTICES HAVE BEEN

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USED AS METHODS FOR THAT PURPOSE: LAND ENCLOSURE FOR "SECURITY REASONS," THE USE OF "ABSENTEE" LANDS FOR SETTLEMENT, AND JEWISH LAND PURCHASES (ABOUT WHICH INFORMATION IS SCARCE --SEE TEL AVIV A-60).

3. EFFECTS OF ISRAELI SETTLEMENTS ON THE PEOPLE OF THE OCCUPIED TERRITORIES. MOST ARABS FEEL DEEP RESENTMENT AT ISRAELI SETTLEMENT ACTIVITY, WHETHER IT AFFECTS THEM DIRECTLY OR NOT. THEY SEE IT AS PROOF OF "ZIONIST EXPANSIONISM" AND AS A CONTINUATION OF THE DECADES-LONG PROCESS WHEREBY THE JEWS "TOOK OVER" PALESTINE FROM THEM BUT THE FORMS OF ARAB COUNTER-ACTION TO ISRAELI SETTLEMENT HAVE BEEN LIMITED BECAUSE OF THE MILITARY OCCUPATION. THE MAYORS CAN DO LITTLE MORE THAN EXPRESS OBJECTIONS TO THE MILITARY GOVERNOR. CONSIDERING THAT ISRAEL HAS BEEN SETTING UP NEW SITES AT A CONTINUOUS AND GRADUAL RATE SINCE 1968 AND HAVE BY NOW SOME EIGHTY SUCH SETTLEMENTS, IT IS OUR IMPRESSION THAT THE WIDESPREAD FEELINGS OF LOCAL ARAB RESENTMENT AT SETTLEMENT PER SE HAVE NOT GIVEN RISE TO A GREAT DEAL OF ORGANIZED PROTEST. AMONG THE EXAMPLES WE CAN CITE OF ARAB-JEWISH TENSION OVER SETTLEMENT ACTIVITY, THE MOST PROMINENT IS PROBABLY THAT OF KIRYAT ARBA

AND HEBRON, WHERE ARABS AND JEWS IN CLOSE PROXIMITY TO RELIGIOUS SITES OF INTEREST TO BOTH HAVE FREQUENTLY BEEN ENGAGED IN CIVIL DISTURBANCES. CONGEN JERUSALEM HAS ALREADY CITED (JERUSALEM 1399 INSTANCES OF ARAB FATALITIES ENSUING FROM PROTESTS AT ISRAELI MOVES ASSOCIATED WITH SETTLEMENT ACTIVITY. AS ANOTHER EXAMPLE, WE HEARD LAST WEEK THAT THERE HAS BEEN LOCAL UNREST IN AN ARAB VILLAGE NEAR THE MOST RECENTLY ANNOUNCED SETTLEMENT, NAHAL REICHAN (IN THE WEST BANK, APPROXIMATELY SEVEN MILES WEST OF JANIN), BUT DUE TO CENSORSHIP, NO INFORMATION IS AVAILABLE AS TO THE EXTENT OF THE REPORTED DISTURBANCES. IN ANOTHER CATEGORY WOULD BE THE LAND ENCLOSURES IN THE RAFAH AREA IN THE EARLY 1970S WHEN THE IDF PREVENTED BEDOUIN FROM ACCESS TO LAND WHERE THEY HAD PREVIOUSLY

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GRAZED; A CONSIDERABLE HULLABALLOO AROSE IN ISRAEL OVER THIS INCIDENT (INVOLVING ARIK SHARON) AND THE AFFAIR STILL RESIDES IN LIBERAL ISRAELIS' MEMORIES, COMPUDED BY THE FACT THAT BEDOUIN NOW WORK THE FIELDS AT THE RAFAH SETTLEMENT OF SADOT.

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R 071300Z SEP 77
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C O N F I D E N T I A L SECTION 2 OF 2 TEL AVIV 6680

4. ISRAELI SETTLEMENT IN THE GAZA STRIP IS QUITE LIMITED, WITH ONE CIVILIAN SITE AND A HANDFUL OF NAHALS. WE UNDERSTAND THAT THE RESIDENTS AT ONE SITE (NETZARIM) WERE

DISPLACED ABOUT 5 YEARS AGO TO MAKE WAY FOR A SETTLEMENT, THAT ANOTHER ONE WAS LOCATED ON LAND BOUGHT BY JEWS PRIOR TO 1948, AND THAT THE OTHERS WERE PUT UP ON STATE DOMAIN, I.E., ON LAND PREVIOUSLY HELD BY THE EGYPTIAN ADMINISTRATION. IF THE WISHES OF THE SETTLEMENT FEDERATIONS ARE ANY INDICATION, THERE IS NOT APT TO BE FURTHER SETTLEMENT IN THE STRIP ITSELF, AND ADDITIONAL LOCATIONS IN THIS AREA WILL BE SPOTTED MOSTLY IN THE REGION WEST OF RAFAH. AS FOR THE GOLAN HEIGHTS, MOST OF THE INDIGENOUS POPULATION THERE FLED DURING OR AFTER THE FIGHTING IN 1967 AND ISRAELI SETTLEMENTS HAVE NOT HAD DIRECT EFFECTS ON THEM. (EXCEPT, OF COURSE, THAT CONTINUING ISRAELI OCCUPATION OF THE GOLAN HEIGHTS MEANS THAT THE GOLANIS NOW LIVE ELSEWHERE.) A FAIR NUMBER OF THE ISRAELI SETTLEMENTS ON GOLAN ARE ESTABLISHED ADJACENT TO RUINS ONCE INHABITED BY SYRIANS; HEBREW PLACE NAMES HAVE SUCCEEDED ARABIC ONES.

5. THERE ARE ALSO BENEFICIAL EFFECTS FOR THE ARABS AS A RESULT OF ISRAELI SETTLEMENT, ALTHOUGH THEY ARE HARD
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TO MEASURE. AN ISRAELI OFFICIAL TOLD AN EMBASSY OFFICER RECENTLY THAT THESE INCLUDE THE SPREAD OF AGRICULTURAL TECHNOLOGY TO THE ARAB SECTOR, FOR EXAMPLE, IN THE GAZA CITRUS INDUSTRY AND IN THE WEST BANK OLIVE INDUSTRY. (ANOTHER EXAMPLE WOULD BE THAT ARABS OBTAIN EMPLOYMENT AS FIELD-WORKERS IN SOME ISRAELI SETTLEMENTS AND INDEED, IN THE VERY CONSTRUCTION OF SOME OF THEM.) HE ADDED THAT THE BEST IDEA OF THE EFFECTS ON ARABS OF ISRAELI SETTLEMENTS COULD BE OBTAINED BY LOOKING AT THE WELFARE OF ISRAELI ARABS INSIDE THE GREEN LINE. COMMENT: BUT THIS LINE OF REASONING IS ALSO TWO-EDGED: ISRAELI ARABS, DESPITE THEIR RELATIVE WELL-BEING AS COMPARED TO SOME OF THEIR POORER ARAB BROTHERS ELSEWHERE, DO NOT FEEL THAT THEY ENJOY EQUAL TREATMENT WITH THEIR JEWISH CO-CITIZENS AND NOT A FEW OF THEM HAD LANDS EXPROPRIATED OR CLASSIFIED AS "ABSENTEE-OWNED.")

6. THE ISRAELI PRACTICE OF ESTABLISHING SETTLEMENTS IN UNPOPULATED OR SPARSELY POPULATED AREAS WAS ADOPTED, IN PART, BECAUSE IT LIMITED THE DIRECT CONTACT BETWEEN SETTLERS AND ARABS, AND HENCE MINIMIZED HARMFUL EFFECTS. THE SUCCESS OF THIS POLICY MAY BE DECLINING LATELY BECAUSE ISRAELI SETTLEMENTS HAVE BECOME MORE OF AN ISSUE IN INTERNATIONAL FORA, AND ALSO TO SOME EXTENT BECAUSE THE ISRAELIS HAVE ALREADY FINISHED DRAWING THE MAIN LINES OF THEIR SETTLEMENT NETWORKS ON THE GOLAN HEIGHTS, THE JORDAN VALLEY, AND THE RAFAH SALIENT, ETC.

7. THE EFFECT OF SETTLEMENTS ON PEACE NEGOTIATIONS. THIS, OF COURSE, IN PART IS A QUESTION FOR THE DEPARTMENT TO ANSWER. WE WOULD ONLY SAY THAT IT IS APPARENT THAT THE ARABS TAKE NEW ISRAELI DECISIONS ON SETTLEMENT AS PROOF OF ISRAELI BAD FAITH AND, THEREFORE, THESE DECISIONS JEO-CONFIDENTIAL

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PARDIZE THE PROCESS OF GETTING MEANINGFUL NEGOTIATIONS UNDERWAY. A DIFFERENT AND MORE REMOTE QUESTION IS THAT CONCERNING THE DISPOSITION OF ISRAELI SETTLEMENTS IN ANY EVENTUAL ME SOLUTION -- AND ISRAELI INSISTENCE THAT THEY REMAIN WHERE THEY ARE IS JUST AS FIRM AS ARAB INSISTENCE TO THE CONTRARY. A RHETORICAL ARGUMENT THAT SOME ISRAELIS USE, AND ONE WHICH POINTS UP THE DIFFICULTIES IN SOLVING THE ISRAELI-ARAB QUARREL ALONG THE LINES OF 1967, IS THAT ISRAEL HAS A HALF-MILLION ARBAS IN ITS JEWISH STATE, WHY SHOULD JEWISH SETTLEERS NOT REMAIN WHERE THEY ARE IF EVER ANY TERRITORIES ARE RETURNED TO ARAB CONTROL?

8. ASSESSMENT OF RECENT BEGIN GOVERNMENT DECISIONS RE WEST BANK AND GAZA. WE HAVE BEEN REPORTING ON THE RECENT DECISIONS AS THEY HAPPEN AND HAVE NO FURTHER ASSESSMENT AT THIS POINT. FOR THE SAKE OF CONVENIENCE, WE ARE LISTING THE FOLLOWING REPORTS: FOR OUR ANALYSIS OF THE DECISION TO LEGALIZE MAALE ADUMIM, OFRA, AND QADOUM, REFER TO TEL AVIV 5857; FOR REPORTS AND ANALYSES ON "EQUAL RIGHTS" FOR THE ARABS OF THE WEST BANK AND GAZA STRIP, SEE TEL AVIV 6048, 6112, 6114, 6250 AND 6401; AND FOR THE AUGUST 17 DECISION TO APPROVE THE WEST BANK SETTLEMENTS, SEE TEL AVIV 6111 AND 6161. ALSO OF INTEREST WOULD BE TEL AVIV 6599 ON THE "SHARON PLAN" AND A PRESS CONFERENCE BY THE GUSH EMUNIM.

9. REGARDING THE SO-CALLED EQUAL RIGHTS POLICY, WE HAVE DUG OUT OF OUR FILES WHAT IN 1973 WAS CALLED "THE GALILI DOCUMENT" WHICH WAS A LABOR PARTY DRAFT PLATFORM DRAWN UP IN THE MONTHS PRIOR TO THE YOM KIPPUR WAR AND SHELVED IN ITS WAKE. (73 TEL AVIV 6475). IN THOSE SECTIONS REFERRING TO THE ADMINISTERED TERRITORIES, THE DOCUMENT CONTAINS VIRTUALLY IDENTICAL RECOMMENDATIONS (IMPROVED HOUSING FOR REFUGEES, IMPROVED HEALTH AND EDUCATIONAL SERVICES, DEVELOPMENT OF WATER NETWORK, ETC., ETC.) AS THOSE INCORPORATED UNDER THE BEGIN GOVERNMENT'S EQUAL CONFIDENTIAL

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RIGHTS POLICY GUIDELINES. IN THOSE DAYS, IT SEEMS THAT

DAYAN WAS JUST AS INTERESTED IN JEWISH-ARAB COEXISTENCE
AS HE IS TODAY, AND HE AND GALILI WERE THEN BOTH MEMBERS
OF GOLDA MEIR'S "KITCHEN CABINET." PLUS CA CHANGE....

10. SETTLEMENT AND SELF-DETERMINATION. WE ARE IN COM-
PLETE ACCORD WITH THE COMMENTS OF CONGEN JERUSALEM ON
THIS SUBJECT VIZ. THAT THE ISRAELI OCCUPATION ITSELF MORE
THAN THE SETTLEMENTS IS THE OBSTACLE TO SELF-DETERMINA-
TION.
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